LeMond Cycling, Inc. v. Trek Bicycle Corporation

Doc. 158 Att. 1

Exhibit 2

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April 28, 2009

VIA E-MAIL AND U.S. MAIL

Kristal S. Stippich, Esq.
Gass Weber Mullins LLC
309 North Water Street
Milwaukee, WI 53202

Re: *LeMond Cycling, Inc. v. Trek Bicycle Corporation*
Case No. 08-CV-01010 (RHK/JSM)
Our File No.: 123595.0000

Dear Kristal:

I write regarding your letter dated April 24, 2009 as it relates to LCI PRIV 202-203. Your request for the production of this recording based on Mrs. LeMond's testimony is without merit. As you would know had you attended the deposition, we explicitly objected to Mrs. LeMond's testimony on this point to the degree that there were recordings that had been made about which she had no knowledge or recollection. As has been explained to Mr. Weber on previous occasions, the recording in question was done at the request of Mr. Sidney Bluming. Mr. Bluming in fact participates in a portion of the call to confirm its nature and purpose, which has also been explained to Mr. Weber. This matter was discussed at the hearing before Magistrate Mayeron on January 15, 2008, and Trek has been silent on it since that time. For the reasons stated above, Mrs. LeMond's testimony from last week changes nothing regarding this recording. That said, and in the interest of moving matters along, we will undertake to review the recording again and determine whether we might be amenable to either producing it upon an acceptable agreement as to there being no broader waiver of privilege or submitting it for in-camera review by Magistrate Mayeron. As I am out of the office much of this week, I will not be in a position to get back to you about our internal review until Friday.

Sincerely,

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

Jennifer M. Robbins

Jennifer M. Robbins

JMR/bsb
cc: Ralph A. Weber, Esq.

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